

REMARKS

Reconsideration of this application as amended is respectfully requested.

Applicant's finger ring bottle opener requires a person to pivot a first phalanx about a phalanx transverse axis. This movement places force on the proximal end 17 of the ring top portion 40 and on the band palm portion 42. The palm side of the distal portion of the first phalanx exerts pressure on the radially inner surface of the bar 18 and the distal end 19 of the finger passage 14. It is desirable to provide smooth and large surface areas for these surfaces subjected to substantial force. The open slot in the palm side of the Brinn tool and the small surface area of the two ends 3 would cause discomfort for people who remove a number of bottle caps within an hour or so. Applicant believes that some people would develop blisters from using the Brinn cap remover.

Claims 1 through 6 were rejected as anticipated by Brinn. Applicant respectfully traverses the rejection.

Claim 1 has been amended to cancel a capital "A" and insert a lower case --a --. Applicant's Claim 1 includes a continuous ring band. Brinn's band has a gap in his band that provides space for the blade member 5. Claim 1 includes a prong integral with a free end of the short shank in combination with a shank that is integral with the band palm section. The prong 5 of Brinn is pivotally attached to the band by a pivot pin 7. Applicant's Claim 1 also has a cap skirt bottom-engaging surface that is generally parallel to the finger passage axis. The cap skirt-engaging surface of Brinn is an accurate surface as shown in Figure 4. There is a skirt engaging surface shown in Figure 3 of Brinn extending across a portion of the thickness of the prong 5 that is perpendicular to the axis of the finger passage. In view of the above, claim 1 distinguishes over Brinn in several respects. Claim 1 is therefore patentable over

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Brinn.

Claims 2 through 5 are dependent upon Claim 1 and allowable together with Claim 1 for reasons set forth above.

Claim 6 as amended includes the step of placing the first phalanx of a selected finger through the continuous ring band with a bar radially inner surface that is substantially parallel to the finger passage axis and in engagement with the first phalanx. Brinn does not include any such method step. The surfaces of the ends 3 of Brinn, which may be contacted by a person's first phalanx, are not substantially parallel to the finger passage axis. Claim 6 is therefore allowable over Brinn.

Claim 7 is a new independent claim that includes all the limitations of Claim 1 and is allowable for reasons set forth above. Claim 7 also states that "the bottom surface of the bar diverges from the cap skirt bottom engaging surface from the short shank in a direction toward a bar free end. The surfaces of Brinn, as shown in Figure 2, coverage rather than diverge. Claim 7 is therefore allowable over Brinn.

In view of the above, this application as amended is in condition for allowance. Reconsideration and allowance is therefore respectfully requested.

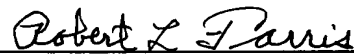
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The Patent Office is authorized to charge or refund any fee deficiency or excess to Deposit Account No. 50-0852.

Respectfully submitted,

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